

THE HON'BLE SRI JUSTICE N.V. RAMANA

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WRIT PETITION NO.13817 of 1997

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Dated: 26.09.2005

Between:

M/S D.J.Finance (p) Ltd.,
Plot No.403, Swagruha Apts, Beach Road,
Subbalakshmi nagar, Visakhapatnam.

..... PETITIONER

AND

The General Manager
Telecom District, Visakhapatnam.

.....RESPONDENT

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ORDER:

The petitioner-Company states that it is having STD/ISD telephone connection bearing No.567647 and it has been paying the said telephone bills regularly without committing any default. The grievance of the petitioner is that the respondent issued the impugned notice dated 03.06.1997 demanding to furnish additional security deposit of Rs.36,000/- on par with that of defaulters. Hence, the present writ petition is filed.

The respondent filed a counter affidavit stating that the petitioner-Company deposited an amount of Rs.1200/- only, but, as per the Bill dated 01.05.1997, the average calling rate is Rs.17,703/-, and the petitioner-Company paid the said bill amount after the due date, together with surcharge. Hence, to safeguard the interests of the Department and in exercise of the powers conferred under Article 445 of the Indian Telegraph Rules, the impugned notice was issued demanding the petitioner-Company to furnish security deposit of Rs.36,000/-.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

A perusal of the impugned order clearly shows that the demand is made for additional security deposit because the calling rate of the petitioner-Company is found to be very high. In the light of the above, it cannot be said that the demand made by the respondent is either illegal or arbitrary or that the same is violation of any statutory provision. It is for the respondent Telecom Department to fix whatever security deposits it wants and the franchisee has to pay the enhanced security deposit as and when demanded by the Department. This Court, in W.P.No.18625 of 1996, dated 11.09.1996, also expressed the same view.

In the circumstances, I see no ground to entertain the writ petition and the same is, accordingly, dismissed. No costs.

N.V. RAMANA, J.

Date: 26.09.2005

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